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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,218	03/02/2004	Francce James	13909-135001 / 2003P00736	9854
32864 7590 08/07/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER KOVACEK, DAVID M	
			ART UNIT 2609	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/790,218

Applicant(s)

JAMES, FRANCES

Examiner

David Kovacek

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ~          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/10/2005, 9/12/2005, 04/25/2007.

***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

2. Claim 7 is objected to because of the following informalities: the claim should instead read, "...operable to recognize the voice commands spoken by the user in both [of] the data entry mode [modes] and the navigation mode [modes]."

For the purposes of examination, the amended version of this claim was considered in addition to the original version.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-20** are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art. Specifically, **claims 1-20** are anticipated by US Patent Application 2002/0010715 hereinafter referred to as Chinn.

Regarding **claim 1**, Chinn discloses a system comprising:

- a voice-enabled user interface (Fig. 2; Page 6, paragraph 0074; Page 16, paragraph 0186);
- a voice module operable to input data spoken by a user and operable to receive voice commands spoken by the user in both of a data entry mode associated with data entry into an element of the voice-enabled user interface (Page 9, paragraph 0113; Page 13, paragraph 0150) and a navigation mode associated with navigating to or from the element (Page 7, paragraph 00084); and
- an open interaction element characterized by an ability to accept multiple data entries when the voice module is in the data entry mode (Page 8, paragraph 0096; Page 9, paragraph 0113; Page 11, paragraph 0135),
- wherein the voice module is operable to enable a first exit option and a second exit option from the open interaction element for use by the user, to thereby allow the user to switch from the data entry mode to the navigation mode using either of the first exit option and the second exit option (Page 13, paragraph 0139; Page 14, paragraphs 0166-0167).

Regarding **claim 2**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- the first exit option is characterized by receipt of an explicit exit command spoken by the user (Page 14, paragraph 0161; Page 14, paragraph 0167), and the second exit option is characterized by receipt of a navigation command spoken by the user (Page 18, paragraph 0204).

It is noted by the examiner that Chinn further discloses "RAN mode" operation to be a navigation mode of the disclosed system (Page 17, paragraphs 0194-0195).

Regarding **claim 3**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- wherein the voice module is operable to enable a third exit option from the open interaction element for use by the user, the third exit option characterized by an automatic transition from the data entry mode to the navigation mode after a passing of a pre-determined period of time (Page 16, paragraph 0184).

Regarding **claim 4**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- the voice module is operable to enable a third exit option from the open interaction element for use by the user, the third exit option characterized by a verbal command common to a plurality of elements in the voice-enabled user interface, receipt of which initiates a tabbing functionality between the open interaction element and a

designated one of the plurality of elements (Page 17, paragraph 0194; Page 17, paragraph 0196; Page 18, paragraph 0204).

It is noted by the examiner that Chinn's disclosure of "RAN mode" being operable by keywords could be considered synonymous to a specialized grammar by one of ordinary skill in the art at the time the invention was made.

Regarding **claim 5**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- the voice module is operable to enable the first and second exit options simultaneously (Page 18, paragraphs 0203-0204).

It is further noted by the examiner that the broadest reasonable interpretation of "operable to enable the first and second exit options simultaneously" to one of ordinary skill in the art at the time the invention was made would include the condition that both exit options may be available for use but only one is used, such as the conditions disclosed by Chinn.

Regarding **claim 6**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- the voice module is operable to enable the first and second exit options in a temporally overlapping manner (Page 18, paragraphs 0203-0204; Page 13, paragraph 0159).

It is further noted by the examiner that Chinn discloses the condition of simultaneous exit enablement as applied in **claim 5**, but further stipulates that certain "non-navigable form nodes" of the system do not allow operation of some exit options (Page 13, paragraph 0159). The examiner contends that when viewed under the broadest reasonable interpretation of one of ordinary skill in the art at the time the invention was made, the claim language includes these conditions as disclosed by Chinn.

Regarding **claim 7**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- the voice module includes a speech recognition engine operable to recognize the voice commands spoken by the user in both the data entry mode and the navigation mode (Fig. 14; Page 16, paragraphs 0186-0190).

It is further noted by the examiner that this limitation is inherent to any system capable of receiving and interpreting voice commands from the user.

Regarding **claim 8**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- a navigation command spoken by the user includes one of a plurality of verbal commands associated with one of a plurality of elements in the voice-enabled user interface, receipt of which initiates accessing the associated interaction element (Page 18, paragraphs 0204-0205).



Regarding **claim 9**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- the voice module receives one of the plurality of verbal commands associated with one of the plurality of interaction elements and identifies an element in the voice-enabled user interface to be accessed, the identified element being associated with the received verbal command (Page 18, paragraphs 0204-0206).

Regarding **claim 10**, Chinn discloses all limitations of **claim 1** as applied above, and further discloses:

- a navigation command spoken by the user includes a verbal command common to a plurality of elements of the voice-enabled user interface which may be navigated to or from when in the navigation mode, where receipt of the verbal command initiates individual identification of each of the plurality of elements (Page 18, paragraphs 0204-0206).

It is further noted by the examiner that the broadest reasonable interpretation of this claim by one of ordinary skill in the art at the time the invention was made would include the use of context sensitivity to determine individual identification as disclosed by Chinn (Page 18, paragraph 0205).

Regarding **claim 11**, Chinn discloses a grammar for a voice-enabled user interface comprising:

- an explicit exit command grammar for receiving an explicit exit command from a user for exiting an open interaction element in the voice-enabled user interface (Page 14, paragraph 0161),
- the open interaction element being characterized by an ability to accept multiple data entries when in a data entry mode (Page 8, paragraph 0096; Page 9, paragraph 0113; Page 11, paragraph 0135); and
- an implicit exit command grammar for receiving a navigation command from the user for navigating to or from one of a plurality of elements in the voice-enabled user interface associated with the received navigation command, wherein receipt of the navigation command initiates exiting from the open interaction element and entering a navigation mode associated with navigating to or from one of the plurality of elements (Page 18, paragraph 0204).

Regarding **claim 12**, Chinn discloses all limitations of **claim 11** as applied above, and further discloses:

- a time-out grammar for detecting a pause in speaking of the user, the pause characterized by a passing of a pre-determined period of time, and resulting in initiating an exit from the open interaction element (Page 16, paragraph 0184).

Regarding **claim 13**, Chinn discloses all limitations of **claim 11** as applied above, and further discloses:

- a tab grammar for receiving a verbal command common to a plurality of elements in the voice-enabled user interface, receipt of which initiates a tabbing functionality between the open interaction element and a designated one of the plurality of elements (Page 17, paragraph 0194; Page 17, paragraph 0196; Page 18, paragraph 0204).

It is further noted by the examiner that the broadest reasonable interpretation of "tabbing" by one of ordinary skill in the art at the time the invention was made would include a grammar operable to enable the system to navigate between two or more nodes successively, which is possible using the "RAN mode" of navigation as disclosed by Chinn (Page 18, paragraph 0204).

Regarding **claim 14**, Chinn discloses all limitations of **claim 11** as applied above, and further discloses:

- an all elements grammar for receiving a verbal command common to a plurality of elements of the voice-enabled user interface which may be navigated to or from, where receipt of the verbal command initiates an identification of each of the plurality of elements (Page 17, paragraph 0194; Page 17, paragraph 0196; Page 18, paragraph 0204).

It is further noted by the examiner that the broadest reasonable interpretation of this claim by one of ordinary skill in the art at the time the invention was made would include the disclosure of Chinn that the "RAN mode" of navigation allows keywords to be applied to any node in the system (Page 18, paragraph 0204).

Regarding **claim 15**, Chinn discloses a method comprising:

- outputting an open interaction element in a voice-enabled user interface, the open interaction element being characterized by an ability to accept multiple data entries when in a data entry mode (Page 8, paragraph 0096; Page 9, paragraph 0113; Page 11, paragraph 0135);
- receiving data for entry into the open interaction element (Fig. 9, item 1020, sub-item 3.1.2; Page 22, paragraphs 0267-0268); and
- enabling a first exit option and a second exit option from the open interaction element for use by the user, to thereby allow the user to switch from the data entry mode to a navigation mode associated with navigating to or from elements in the voice-enabled user interface (Page 12, paragraph 0139; Page 14, paragraph 0166-0167),
- where the first exit option is characterized by receipt of an explicit exit command spoken by the user (Page 14, paragraph 0161), and
- the second exit option is characterized by receipt of a navigation command spoken by the user (Page 18, paragraph 0204).

It is noted by the examiner that though Chinn does explicitly disclose receiving data into an interaction element, this is inherently required of any method that will make use of voice input for data entry, and is further implied by Chinn in disclosing the characteristics of an "Input Node" (Page 22, paragraphs 0267-0268).

Regarding **claim 16**, Chinn discloses all limitations of **claim 15** as applied above, and further discloses:

- enabling a third exit option from the open interaction element for use by the user; the third exit option characterized by an automatic transition from the data entry mode to the navigation mode after a passing of a pre-determined period of time (Page 16, paragraph 0184).

Regarding **claim 17**, Chinn discloses all limitations of **claim 15** as applied above, and further discloses:

- enabling a third exit option from the open interaction element for use by the user, the third exit option characterized by a verbal command common to a plurality of elements in the voice-enabled user interface, receipt of which initiates a tabbing functionality between the open interaction element and a designated one of the plurality of elements (Page 17, paragraph 0194; Page 17, paragraph 0196; Page 18, paragraph 0204).

It is further noted by the examiner that the broadest reasonable interpretation of "tabbing" by one of ordinary skill in the art at the time the invention was made would include a grammar operable to enable the system to navigate between two or more nodes successively, which is possible using the "RAN mode" of navigation as disclosed by Chinn (Page 18, paragraph 0204).

Regarding **claim 18**, Chinn discloses all limitations of **claim 15** as applied above, and further discloses enabling one or more exit options simultaneously (Page 18, paragraph 0203).

It is further noted by the examiner that the broadest reasonable interpretation of “enabling one or more exit options simultaneously” to one of ordinary skill in the art at the time the invention was made would include the condition that a plurality of exit options may be available for use but only one is used, such as the conditions disclosed by Chinn.

Regarding **claim 19**, Chinn discloses all limitations of **claim 15** as applied above, and further discloses:

- the navigation command spoken by the user includes one of a plurality of verbal commands associated with one of a plurality of elements in the voice-enabled user interface, receipt of which initiates accessing the associated interaction element (Page 18, paragraphs 0204-0206).

It is further noted by the examiner that the broadest reasonable interpretation of this claim by one of ordinary skill in the art at the time the invention was made would include the use of context sensitivity to determine individual identification as disclosed by Chinn (Page 18, paragraph 0205).

Regarding **claim 20**, Chinn discloses all limitations of **claim 15** as applied above, and further discloses:

Art Unit: 2609

- the navigation command spoken by the user includes a verbal command common to a plurality of elements of the voice-enabled user interface which may be navigated to or from when in the navigation mode, where receipt of the verbal command initiates an identification of each of the plurality of elements (Page 18, paragraphs 0204-0206).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Matthews et al. (US Patent 4,580,012) teaches a voice message system with automatic user access features.
- Sweet et al. (US Patent 5,179,627) teaches a digital system for data entry using voice dictation input.
- Cote et al. (US Patent 6,125,347) teaches a system for controlling multiple user applications using voice input.
- Son et al. (US Patent 6,212,408) teaches a method and system for controlling a communication device using voice input.
- Papineni et al. (US Patent 6,246,981) teaches a dialog management system and method.
- Hunt et al. (US Patent 6,347,226) teaches a system and method for using custom speech recognition grammars to control a computer program.

- Tzirkel-Hancock et al. (US Patent Application 2002/0032566) teaches a system and method of speech recognition using dynamic grammar building.
- Gergic et al. (US Patent Application 2002/0198719) teaches a dialog system using VoiceXML.
- St. John (US Patent Application 2003/0023444) teaches a system for navigating the Internet using voice input.
- Gong et al. (US Patent Application 2004/0006474) teaches a dynamically generated grammar for voice-enabled applications.
- Galanes et al. (US Patent Application 2004/0073431) teaches a dialog management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kovacek whose telephone number is (571) 270-3135. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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DMK 08/02/2007